

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 1 - 5th Floor**

**TITLE: Microsoft v Corel
CASE NUMBER: 5:15cv05836EJD**

Minute Order and Trial Log

Date: 2/9/2018

Time in Court: **8:09-8:20AM, 8:39-8:49, 9:10-10:30, 10:32-10:37, 10:48-10:52, 11:00-11:47, 11:57-12:50PM, 1:59-2:30, 4:55-5:25, 5:34-5:36PM**

Total: 4 Hrs. 33 Mins.

Courtroom Deputy Clerk: Adriana M. Kratzmann

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: **Jonathan J. Lamberson(Lead), Frank E. Scherkenbach, John W. Thornburgh, Olga I. May, Dalia Kothari**

Also present: **Jay Paulus, Microsoft Director Windows Marketing**

Defendant Attorney(s) present: **Keith A. Rutherford(Lead), Domingo M. Llagostera**

Also present: **Patrick Thomas Nichols, Corel CEO**

PROCEEDINGS: Jury Trial (Day 4)

Please see trial log attached.

Further Jury Trial set for

Motions:

Plaintiff's Oral Motion Judgment as a Matter of Law (Rule 50)

RULING: The motion were taken under submission by the Court. To be ruled upon after Jury verdict.

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TRIAL LOG

TRIAL DATE: 2/9/2018

REPORTER(S):
Irene Rodriguez

CLERK:
Adriana M. Kratzmann

PLF	DEFT	TIME	DESCRIPTION
		8:09AM	Counsel present – Court in session OUTSIDE presence of Jury.
		8:09AM	Counsel presenting their positions regarding dispute on proposed jury instructions and proposed verdict form. Court and Counsel finalized jury instruction and verdict form.
		8:20AM	Court in recess
		8:39AM	Jury summoned and seated. Counsel present.
		8:39AM	Defense case begins.
		8:39AM	Defense calls W#5 as-on Cross by defendant of W#5 Russell Miller – Deposition testimony on 1/26/2017.
		8:45AM	Defense calls W#4 as-on Cross by defendant of W#4 Joel Coleman – Deposition testimony on 12/12/2016.
		8:49AM	Court takes brief recess for IT assistance with jury monitor issue. Jury excused.
		9:10AM	Jury summoned and seated. Counsel present.
		9:10AM	Counsel starts testimony of Defense W#4 as-on Cross by defendant of W#4 Joel Coleman – Deposition testimony on 12/12/2016.
		9:15AM	Defense calls W#10 Christopher England – Deposition testimony on 12/13/2016.

		9:33AM	Defense calls W#11 James Ross – Deposition testimony on 11/2/2016 read into record by Counsel.
		9:37AM	Concludes Defense Deposition testimonies.
		9:37AM	Defense calls W#12 Patrick Nichols. Witness Sworn.
	DX	9:38AM	Direct examination of W#12 Patrick Nichols by Defense Counsel Domingo Llagostera.
CX		10:09AM	Cross examination of W#12 by Plaintiff's Counsel Jonathan Lamberson.
		10:26AM	Exhibit 279 Corel Webpage ADMITTED (To get ex number)
	RDX	10:27AM	Re-Direct examination of W#12 Patrick Nichols by Defense Counsel Domingo Llagostera.
		10:29AM	W#12 excused.
		10:29AM	Defense rests.
		10:29AM	No rebuttal.
		10:30AM	Jury excused.
		10:30AM	Court OFF record with Counsel re scheduling.
		10:32AM	Court ON record.
		10:33AM	Plaintiff makes an Oral Motion re JMOL. Court heard defense response.
		10:37AM	Court took 15 min recess.
		10:48AM	Court counsel meet in chambers re juror.
		10:52AM	Court recess.
		11:00AM	Jury summoned and jury seated.
		11:01AM	Plaintiff's Closing argument began.
		11:46AM	Plaintiff's Closing argument concluded.
		11:47AM	Court recess.
		11:57AM	Jury summoned and jury seated.

		11:58AM	Defense Closing arguments began.
		12:37PM	Defense Closing argument concluded.
		12:37PM	Plaintiff's Rebuttal closing argument began.
		12:48PM	Plaintiff's Rebuttal concluded.
		12:50PM	Court recessed for lunch hour. Jury excused. To resume at 1:55pm.
		1:59PM	Jury summoned and seated. Counsel present.
		1:59PM	Court instructs jury.
		2:29PM	Court concludes reading jury instructions.
		2:30PM	Court Security Officer sworn.
		2:30PM	Jury begins deliberations.
		4:55PM	The Court received 2 notes from jury.
		5:15PM	Counsel present OUTSIDE presence of Jury. Taking up 2 notes containing questions received from the Jury.
		5:25PM	Court discusses with Counsel and prepares responses and submits responses to Jury.
		5:34PM	Court in session and informing counsel of jury's return date of Tuesday, 2/13/2018 at 8:30am. Courtroom Deputy to release jury.
		5:36PM	Court adjourned for the day. Further Jury Trial 2/13/2018 at 8:30am.
			*Time as listed and calculated in this Minute Entry is offered as an estimate. Please see the Court Reporter's real-time transcript. The Court remains the official time-keeper in this case.